


B 104 (Rev. 2/92)	ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS <p style="text-align: center;">BRENDA GAY VANOVER</p>		DEFENDANTS <p style="text-align: center;">CHASE HOME FINANCE, LLC and WYOMING FINANCIAL INC and CHARLIE R. JESSEE, TRUSTEE</p>
ATTORNEYS (Firm Name, Address, and Telephone No.) <p style="text-align: center;">JAMES P. CARMODY, ESQ 116 VETERANS DRIVE RICHLANDS, VA 24641</p>		ATTORNEYS (If Known) <p style="text-align: center;">ERIC D. WHITE, COUNSEL FOR CHASE WILLIAM E. CALLAHAN JR, ESQ</p>
PARTY (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input checked="" type="checkbox"/> 3 U.S. NOT A PARTY		
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) <p style="text-align: center;">COMPLAINT TO DETERMINE NATURE AND EXTENT OF LIENS</p>		
NATURE OF SUIT (Check the one most appropriate box only.)		
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> 454 To Recover Money or Property <input checked="" type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. § 727 </div> <div style="width: 33%;"> <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. § 523 <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan </div> <div style="width: 33%;"> <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 498 Other (specify) </div> </div>		
ORIGIN OF PROCEEDINGS (Check one box only.)		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court		
DEMAND \$	OTHER RELIEF SOUGHT	
BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR <p style="text-align: center;">BRENDA GAY VANOVER</p>		BANKRUPTCY CASE NO. <p style="text-align: center;">06-71255</p>
DISTRICT IN WHICH CASE IS PENDING <p style="text-align: center;">WESTERN DISTRICT</p>	DIVISIONAL OFFICE <p style="text-align: center;">BIG STONE GAP</p>	NAME OF JUDGE <p style="text-align: center;">WILLIAM STONE, JUDGE</p>
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE
FILING FEE (Check one box only.) <input type="checkbox"/> FEE ATTACHED <input checked="" type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED		
DATE <p style="text-align: center;">2/2/07</p>	PRINT NAME <p style="text-align: center;">James P. Carmody</p>	SIGNATURE OF ATTORNEY (OR PLAINTIFF) 

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

IN RE: BRENDA GAY VANOVER,		CHAPTER 7
Debtor		CASE NO. 06-71255

BRENDA GAY VANOVER,		
Complainant		
vs		Adversary Proceeding No.
CHASE HOME FINANCE, LLC		<hr style="width: 150px; margin-left: 10px;"/>
and		
WYOMING FINANCIAL INC		
and		
CHARLIE R. JESSEE, TRUSTEE		
Respondents		

**COMPLAINT TO DETERMINE
NATURE AND EXTENT OF LIENS**

1. The complainant is a debtor in a Chapter 7 case which was filed on October 26, 2006.
2. Respondent Chase Home Finance, LLC ("Chase") claims a security interest in property of the debtor, specifically land in Buchanan County, Virginia, and a doublewide home erected thereon, by virtue of a deed of trust of record in said county in Deed Book 471, page 277.
3. Respondent Wyoming Financial Inc., ("Wyoming") claims a security interest on the aforesaid doublewide home by virtue of recorded DMV title liens.
4. Trustee Charlie R. Jessee is administering the assets of the debtor and is joined as a party herein based upon his statutory status as a judicial lien creditor.
5. Debtor and her husband Lee Ernest Vanover, now deceased, acquired certain real property which is described by deed dated October 20, 1992, and recorded in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, in Deed Book 400, page 596, a copy of which is filed herewith as Exhibit A.

6. At, approximately the same time, debtor and her husband Lee Ernest Vanover, now deceased, purchased a 1990 Brigadier doublewide home, which purchase was financed by Miners and Merchants Bank, then refinanced in 1997 by Advanta National Bank, now Chase. To secure repayment of the financing a deed of trust lien was recorded against said real property in said Clerk's Office in Deed Book 471, page 277, a copy of which is filed herewith as Exhibit B.

7. When erected, the doublewide was anchored to the land and the transporting wheels and axles were removed. Porches were built on, and a well and septic system were dug and connected to the home.

8. On or about February 17, 2003, the home was destroyed by fire, and debtor filed a claim of loss with her insurance carrier. The settlement offer of the insurance carrier was accepted, and with the consent of Chase the settlement proceeds were used to purchase a replacement doublewide home one 2002 Stoneridge, on or about May 1, 2003, which was erected upon the debtor's land at the same location and in the same manner as the original.

9. Because the purchase price and attendant costs of replacement exceeded the amount of the insurance settlement proceeds, debtor obtained an additional small loan from Wyoming and, at the request of Wyoming, the titles the new doublewide home were tendered to it and liens were recorded thereon. A copy of same is filed herewith as Exhibit C.

10. Pursuant to the language in its deed of trust, as well as applicable law, both the original home and its replacement are deemed to be subject to the same lien as the land.

WHEREFORE, complainant prays for judgment finding that Chase has a prior lien on debtor's land and doublewide home together, and that Wyoming has a junior lien on same or, in the alternative, a junior lien on the doublewide home alone.

BRENDA GAY VANOVER

/s/ James P. Carmody
By Counsel

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